

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 10/28/2022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CARLOS AGOSTIN ROBLES SANCHEZ,	:	
	:	
Plaintiff,	:	21-CV-9628 (VEC)
	:	
-against-	:	<u>ORDER</u>
	:	
PAYAM INC., PAPRIKA II LLC, and	:	
PAPRIKA LLC□,	:	
	:	
Defendants.	:	
-----	X	

VALERIE CAPRONI, United States District Judge:

WHEREAS on October 13, 2022, the parties submitted a proposed settlement agreement for the Court's approval pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015), *see* Dkt. 18;

WHEREAS the Court found that counsel's requested fee and the settlement amount for the case were reasonable, but that the proposed settlement agreement was not fair or reasonable due to the breadth of the release, *see* Order, Dkt. 20;

WHEREAS the Court ordered that the parties may submit a revised settlement agreement that only contained a release of wage-and-hour claims, *see id.*;

WHEREAS on October 26, 2022, the parties submitted a revised proposed settlement agreement that states: "In the event that, for any reason, any complaint, appeal, suit, action, charge, claim and/or proceeding is filed or has already been filed by or on behalf of ROBLES SANCHEZ other than the Action, ROBLES SANCHEZ shall take all necessary steps to dismiss or withdraw same with prejudice and ROBLES SANCHEZ shall not obtain or accept any recovery or relief therefrom," *see* Dkt. 21-1, Ex. A ¶ 1(a); and

WHEREAS the Court interprets the language in Paragraph 1(a) of the Release to extend to claims beyond those relating to the instant wage-and-hour action.

IT IS HEREBY ORDERED that the proposed settlement agreement is not approved as fair and reasonable because of the breadth of the release. The Court would be prepared to approve as fair a settlement that releases only wage-and-hour law claims. The parties may submit, no later than **November 4, 2022**, a revised settlement agreement that is consistent with this Order if they wish to proceed with the settlement. *See Fisher v. SD Prot. Inc.*, 2020 WL 550470, at *8 (2d Cir. Feb. 4, 2020).

SO ORDERED.

Date: October 28, 2022
New York, NY



VALERIE CAPRONI
United States District Judge